

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CUSTOMER NO. 22927**

Applicants: Van Luchene *et al.*  
Application No.: 09/107,971  
Filed: June 30, 1998  
Title: **METHOD AND APPARATUS FOR FACILITATING THE PLAY OF FRACTIONAL LOTTERY TICKETS UTILIZING POINT-OF-SALE TERMINALS**  
Attorney Docket No. 98-024

Group Art Unit: 3622  
Examiner: Jeffrey D. Carlson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUS INQUIRY**

The undersigned responsible attorney, Michael D. Downs, contacted Examiner Jeffrey D. Carlson on June 27, 2006 to question the validity of the Notification of Non-Complaint Appeal Brief (see copy of Interview Summary enclosed). Examiner stated he would re-consider the Appeal Brief shortly to determine compliance with the (old) rule 1.192. To date, no further communication has been received from the Examiner relating to examination of the Appeal Brief.

Please advise Applicants' undersigned representative of the status of this Application.

Respectfully submitted,

  
\_\_\_\_\_  
Michael D. Downs  
Attorney for Applicants  
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January 17, 2007  
Date

**COPY**

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/107,971	VAN LUCHENE, ANDREW S	
	<b>Examiner</b> Jeffrey D. Carlson	<b>Art Unit</b> 3622	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey D. Carlson

(3) \_\_\_\_\_

(2) Mike Downs

(4) \_\_\_\_\_

Date of Interview: 27 June 2006.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: none.

Identification of prior art discussed: none.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant called to question the validity of the Notification of Non-Compliant Appeal Brief (mailed 6/21/06). Indeed, the brief in question was filed prior to the new rules of 37 CFR 41.37 and therefore is not required to meet rule 41.37. Examiner will re-consider the brief shortly to determine compliance with (old) rule 1.192 and to take appropriate action on its merits..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required